CHARGE: 501 (d)—while in interstate commerce petroleum oil had been mixed with the article so as to reduce its quality; and, 501 (a) (2)—the article had been held under insanitary conditions while held for sale.

DISPOSITION: 1–10–55. Default—destruction.

DRUGS ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS*

4672. Tu Tone capsules. (F. D. C. No. 37114. S. No. 72–050 L.)

QUANTITY: 4,000 capsules in a bulk container and 21 100-capsule btls. at Freeport, N. Y.

SHIPPED: Between 6–29–54 and 7–10–54, from East Newark, N. J., by Jabert Pharmacal Co., Inc.

LABEL IN PART: (Bulk container) "Tu Tone Capsules"; (btl.) "Pharmak Caution: Federal Law Prohibits dispensing without Prescription Dephar Each Capsule Contains 50,000 U. S. P. Units of Vitamin D."

RESULTS OF INVESTIGATION: The capsules in the bottles had been repackaged and relabeled by the consignee from the bulk shipment. Analysis showed that the article contained 25,000 units of vitamin D per capsule.

LIBELED: 10–6–54, E. Dist. N. Y.

CHARGE: 501 (c)—the strength of the article when shipped differed from that which is purported and was represented to possess, namely, 50,000 units of vitamin D per capsule.

DISPOSITION: 11–16–54. Default—destruction.

4673. Rauwolfia serpentina (powder and tablets). (F. D. C. No. 37598. S. Nos. 10–213/9 M.)

QUANTITY: 6 100-lb. drums, 1 43-lb. drum, 139 100-tablet btls., 2 500-tablet btls., and 41 1,000-tablet btls. at Cedar Rapids, Iowa.

SHIPPED: Between 6–18–54 and 9–24–54, from New York, N. Y., by Prentiss Drug & Chemical Co.

LABEL IN PART: (Drum) "Pow. Rauwolfia Serpentina"; (btl.) "Raufia Encotes S. C. Light Orange Each tablet contains: * * * Rauwolfia Serpentina Alkaloids—0.75 mg. (Represented by approximately 100 mg. of the powdered whole root.) Paul Maney Laboratories Cedar Rapids, Iowa," "100 * * * Encotes Loten S. C. Gray Each tablet contains: * * * Rauwolfia Serpentina Alkaloids—0.75 mg. (As supplied by approximately 100 mg. of powdered whole root) * * * Paul Maney Laboratories Cedar Rapids, Iowa," and "Abten Sugar coated Pink Each tablet contains Rauwolfia Serpentina Alkaloids— 1.0 mg. (Represented by approximately 50 mg. powdered whole drug) * * * Paul Maney Laboratories Cedar Rapids, Iowa."

RESULTS OF INVESTIGATION: The article in the bottles was shipped from New York, N. Y., in bulk drums in powder form; and, after its receipt at Cedar Rapids, it was tableted, repacked into bottles, and relabeled by the consignee.

LIBELED: On or about 1–18–55, N. Dist. Iowa.

*See also Nos. 4667, 4671.

CHARGE: (Drums of powdered drug and tablets manufactured therefrom), 501 (d) (2)—when shipped, a substance, namely, the ground root of one or more species of *Rauwolfia* other than *Rauwolfia serpentina*, had been substituted in whole or in part for *Rauwolfia serpentina;* (drums of powdered drug), 502 (a)—the label statement "Pow. Rauwolfia Serpentina" was false and misleading since it represented that the article consisted wholly of *Rauwolfia serpentina*, which was not the case; (tablets manufactured from powdered drug), 502 (a)—the statement "Each tablet contains: * * * Rauwolfia Serpentina" borne on the bottle label while held for sale was false and misleading as applied to the article, which contained one or more species of *Rauwolfia* other than *Rauwolfia serpentina;* and (drums of powdered drug and tablets manufactured therefrom), 502 (i) (3)—the article was a drug which was not *Rauwolfia serpentina*, and, when shipped, was offered for sale under the name of another drug, namely, *Rauwolfia serpentina*.

DISPOSITION: 3–12–55. Default—destruction.

4674. Adhesive bandages. (F. D. C. No. 33768. S. Nos. 3–617 L, 12–613 L, 26–078 L, 26–408 L.)

INFORMATION FILED: 5–28–53, E. Dist. N. Y., against Gotham Aseptic Laboratory Co., Inc., Long Island City, N. Y.

ALLEGED VIOLATION: On 2–4–52, the defendant caused *adhesive bandages*, adulterated and misbranded as hereinafter described, to be delivered for introduction into interstate commerce.

LABEL IN PART: "Sterilized Handy Adhesive Bands Supreme First Aid Co., Inc. New York, N. Y."

CHARGE: 501 (b)—the quality and purity of the article when shipped fell below the standard for adhesive absorbent bandage set forth in the United States Pharmacopeia, in that it was not sterile but was contaminated with viable micro-organisms; and, 502 (a)—the label statement "Sterilized" was false and misleading.

PLEA: Not guilty.

DISPOSITION: The defendant filed a motion for a bill of particulars, which the court, on 4–26–54, granted in part. Thereafter, on 7–11–55, the defendant entered a plea of guilty; and, on 7–28–55, it was fined $500.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

DRUGS FOR HUMAN USE*

4675. Colusa Natural Oil and Colusa Natural Oil Capsules. (Inj. No. 172.)

COMPLAINT FOR INJUNCTION FILED: 8–26–48, S. Dist. Calif., against Colusa Remedy Co., a corporation, Los Angeles, Calif., and Chester Walker Colgrove, president of the corporation, to enjoin the interstate shipment of the above-mentioned articles misbranded under 502 (a).

LABEL IN PART: The labels of the articles are quoted in the findings of fact set forth below.

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*See also Nos. 4661, 4664–4668, 4673, 4674.